

Before the Board of Supervisors  
County of Placer, State of California

In the matter of:

Resol. No: \_\_\_\_\_

A RESOLUTION ADOPTING THE BICKFORD RANCH  
SPECIFIC PLAN AND DESIGN GUIDELINES

The following **RESOLUTION** was duly passed by the Board of Supervisors of the  
County of Placer at a regular meeting held \_\_\_\_\_, by the following  
vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

\_\_\_\_\_  
Harriet White  
Chairman, Board of Supervisors

Attest:  
Clerk of said Board

\_\_\_\_\_  
Ann Holman

**WHEREAS**, pursuant to Government Code sections 65450-65457 the County of Placer ("County") is authorized to adopt specific plans, and the County has adopted Placer County Code Section 17.58.200 in furtherance thereof, and,

**WHEREAS**, on November 1 and 8, 2001, the Placer County Planning Commission ("Planning Commission") held public hearings pursuant to Section 17.58.200(E)(1) of the Placer County Code to consider the Bickford Ranch Specific Plan ("Specific "Plan"), and other land use approvals related to the Specific Plan, including the Bickford Ranch Design Guidelines (Design Guidelines"), a development agreement by and between the County of Placer ("County") and Bickford Holdings, LLC ("Landowner") and the Bickford Ranch Development Standards, and the Planning Commission has made written recommendations to the Board of Supervisors ("Board") related thereto, and,

**EXHIBIT 8**

**WHEREAS**, on December 10, 2001, the Board held a public hearing pursuant to Section 17.58.200(E)(2) of the Placer County Code to consider the recommendations of the Planning Commission, and to receive public input regarding the Specific Plan and the Design Guidelines, and,

**WHEREAS**, having considered the recommendations of the Planning Commission, reviewed the Specific Plan, the Design Guidelines, the Development Agreement and the Bickford Ranch Development Standards, having received and considered the written and oral comments submitted by the public thereon, and having adopted Resolution No. 2001-340 certifying the Final Environmental Impact Report for the Bickford Ranch Specific Plan, the Board adopted and approved the Specific Plan.

**WHEREAS**, on or about January 17, 2002, litigation was commenced to challenge the actions of the Board in granting the Project approvals alleging, among other things, violations of the California Planning and Zoning law as well as violations of the California Environmental Quality Act in connection with the preparation and certification of the FEIR. The suits filed are more particularly identified as follows:

(a) Sierra Club, Sierra Foothills Audubon Society and California Oaks Foundation v. Placer County, et al. (Bickford Holdings, LLC, et al. Real Parties in Interest), Case No. SCV-12789; and

(b) Bickford Ranch Coalition of WPCARE; Town of Loomis v. County of Placer (Bickford Holdings, LLC et al. Real Parties in Interest), Case No. SCV-12793.

The cases were consolidated for purposes of trial. The two cases are referred to collectively as the "Project Approval Litigation."

**WHEREAS**, on October 21, 2003, the Board approved two tentative subdivision maps filed by the Applicant, pursuant to the Subdivision Map Act and the Subdivision Ordinances of the County of Placer. The tentative subdivision maps were based on and intended to implement the Project Approvals. The Project Approvals were made a part of and incorporated in the Board's approval of the tentative subdivision maps. On November 18, 2003, litigation was commenced challenging the Board's action in approving the tentative subdivision maps in a case entitled Sierra Club, Sierra Foothills Audubon Society and California Oaks Foundation v. Placer County, et al. (Bickford Holdings, LLC, et al. Real Parties in Interest), Case No. SCV 16428 (the "Subdivision Map Litigation"). On May 28, 2004, the Subdivision Map Litigation was dismissed with prejudice on Applicant's and County's motion, such dismissal constituting an adjudication that the tentative subdivision maps were validly approved in a process that complied with law. The time to file any new action to challenge the tentative subdivisions maps has expired. Thus, the tentative subdivision maps and the process by which they were approved has been determined to be valid and that conclusion is not subject to further review except by way of appeal in the Subdivision Map Litigation.

**WHEREAS**, since the Project Approval, certain modifications have been made in the Project as follows:

(1) Water conveyance modifications requested by Placer County Water Authority as part of its execution of a Water Master Services Agreement to serve the Project more particularly described in the Addendum to the FEIR referred to in the following recital (the "Addendum");

(2) Minor master lotting plan changes documented in the tentative subdivision maps for the Project approved as recited above and more particularly described in the Addendum; and

(3) Three additional minor lotting plan and golf course alignment modifications for the Heritage Ridge portion of the Project, described in Applicant's letter to the County dated November 21, 2003 more particularly explained and described in the Addendum.

**WHEREAS**, anticipating the possibility of further proceedings to be undertaken in connection with the Project that could require consideration under the California Environmental Quality Act, Staff and the EIR consultant that prepared the FEIR, URS Corp., considered whether or not additional environmental documentation would be required, (i) to describe project changes, (ii) the changes in background circumstances, and (iii) other relevant criteria in accordance with the provisions of CEQA Guidelines Section 15162, all for the purpose of determining whether or not new environmental analysis was required in addition to that contained in the FEIR. Staff and URS Corp. have undertaken that analysis, concluded that the changes do not warrant preparation of a supplemental EIR or a subsequent EIR, and that all of the changes can be addressed in an addendum to the FEIR prepared pursuant to CEQA Guideline Section 15164. The Addendum has been prepared by Staff with the assistance of URS Corp., and has been presented to the Board as a predicate for its action herein. The Addendum is intended to be added to and become an integral part of the FEIR previously certified herein.

**WHEREAS**, after extensive argument concerning and resolution of various procedural issues, briefing, consideration of the Administrative Record and other matters at issue in the Project Approval Litigation, the Court filed its Statements of Decision on June 18, 2004, entered Judgment and issued a Writ of Mandate on June 28, 2004, directing County to set aside the Project Approvals, except for certification of the FEIR that the Court found to be proper. The basis for setting aside the Project Approvals was the Court's determination that the Administrative Record did not contain a complete and coherent Specific Plan. Setting aside the Specific Plan necessarily required setting aside the various approvals dependent upon or related to the Specific Plan including the Design Guidelines, the Development Standards, the Development Agreement, the Resolutions pertaining to Clark Tunnel Road, the Mitigation Monitoring and Reporting Plan, the provisions of Project approval adopting mitigation measures and the Statement of Overriding Considerations. The Writ does not require the Board to set aside its certification of the FEIR and the Judgment of the Court expressly finds the certification to have been proper.

**WHEREAS**, by Resolution \_\_\_\_\_, the Board has complied with the Court's Writ. The Board now desires to act on the Applicant's request to approve the Addendum and reenact the Project Approvals, including the Specific Plan and Design Guidelines.

**WHEREAS**, having considered the Addendum and the FEIR, the Specific Plan, the Design Guidelines, the Development Agreement and other matters that the Board deems relevant to the full and fair consideration of the approvals for the Bickford Ranch Project and the environmental impacts thereof, and having adopted Resolution \_\_\_\_\_ that makes findings with respect to mitigation measures, adopts a mitigation monitoring and reporting plan, addresses other matters required to be addressed under CEQA, adopts a statement of overriding considerations and makes findings concerning the consistency of the Board's proposed actions with the General Plan, the Board finds pursuant to Section 17.58.200(F) of the Placer County Code:

(a) The Specific Plan and Design Guidelines are consistent with the objectives, policies, general land uses and programs specified in the Placer County General Plan, including Appendix "C" thereto as set forth in Resolution 2004- \_\_\_\_\_;

(b) As set forth in Resolution No. \_\_\_\_\_, while some impacts are insignificant or can be mitigated to a level of less than significant, the Specific Plan will have significant environmental impacts on the environment in some instances, but the Board has adopted a statement of overriding considerations in accordance with Section 18.20.070(A)(2) of the Placer County Code and the California Environmental Quality Act.

(c) The Specific Plan is not within the area of any airport land use plan.

**WHEREAS**, notice of all hearings required by Section 17.58.200 of the Placer County Code have been given and all hearings have been held as required by statute and ordinance, and

**WHEREAS**, the Board finds that the foregoing recitals setting forth the actions of the County are true and correct,

**NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER, STATE OF CALIFORNIA, DOES HEREBY RESOLVE as follows:**

(1) The Bickford Ranch Specific Plan, a true and correct copy of which is included herein under separate cover and incorporated herein by reference, and the Bickford Ranch Design Guidelines, a true and correct copy of which is included herein under separate cover and incorporated herein by reference, are hereby approved in accordance with Section 17.58.200(F) of the Placer County Code.

(2) The Specific Plan and the Design Guidelines shall take effect and be in full force and effect upon the effective date of the Bickford Ranch Development Agreement or the effective date of the Bickford Ranch Development Standards, whichever date is later.